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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DANIEL HIMMEL, Derivatively on Behalf of Civil Action No. 11-6935(JBS)(KMW)
CENTRAL EUROPEAN DISTRIBUTION
CORPORATION,

Plaintiff,

v.

WILLIAM V. CAREY, CHRISTOPHER
BIEDERMANN, DAVID BAILEY, MARKUS
SIEGER, MAREK E. FORYSIAK, N. SCOTT
FINE, ROBERT P. KOCH, and WILLIAM S.
SHANAHAN,

Defendants,

- and -

CENTRAL EUROPEAN DISTRIBUTION
CORPORATION, a Delaware Corporation,

Nominal Defendant.

**REQUEST FOR VOLUNTARY
DISMISSAL OF ACTION
WITHOUT PREJUDICE**

PLEASE TAKE NOTICE THAT, pursuant to Fed.R.Civ.P. 41(a) and 23.1(c), plaintiff

Daniel Himmel ("Plaintiff"), by and through his undersigned counsel, hereby requests approval

from the Court to voluntarily dismiss the above-captioned shareholder derivative action ("Action"), without prejudice.

In this matter, Plaintiff respectfully submits that notice is unnecessary to protect the interests of Central European Distribution Corporation (the "Company") and its shareholders because: (i) Plaintiff seeks dismissal without prejudice; (ii) the Company's interests will be unaffected because there is already another pending shareholder derivative case captioned *Yeung v. Carey, et al.*, Civil Action No. 11-6667(JEI)(KMW) (D.N.J. filed Nov. 11, 2011) that alleges virtually identical claims on behalf of the Company; (iii) in any event, there is ample time under the applicable statutes of limitations for other shareholders to commence actions on the same or similar grounds as the Action; (iv) there has been no settlement or compromise; (v) there has been no collusion among the parties; and (vi) neither Plaintiff nor his counsel has received nor will receive any consideration from the Company or the individual defendants for the dismissal.

For the foregoing reasons, Plaintiff respectfully requests that the Court approve his voluntary dismissal of this Action, without prejudice and without costs, pursuant to Rules 41(a) and 23.1(c), and without requiring notice of the dismissal to Company shareholders.

CARELLA, BYRNE, CECCHI,
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By: /s/ James E. Cecchi
JAMES E. CECCHI

Dated: December 29, 2011

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SO ORDERED this 3rd day of January, 2012


JEROME B. SIMANDLE, U.S.D.J.

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